

Mr. Donnie H. Grimsley, Director  
Division of Rules and Records  
Office of Administration  
United States N. R. C.  
Washington, D.C. 20555

FREEDOM OF INFORMATION  
ACT REQUEST

FOIA-90-408  
Rec'd 9-12-90

Dear Mr. Grimsley:

On July 16, 1984, the Zion Nuclear Power Plant was closed for repair and retesting pursuant to citizens' complaint that nuclear containment leak rate tests done by the utility companies were often fraudulent and/or deficient, and that the NRC was covering-up bad testing.

Several related FOI requests resulted in making public a certain number of documents related to fraudulent and/or deficient testing. These documents clearly indicated that many other documents crucial to public safety had not yet been made available to the public.

Your Agency failed to make these documents public, and asserted in the letter to the U.S. Congress of May, 1986, that because of the lawsuit pending with the Federal Court, matters related to fraudulent/deficient testing should be decided in frames of a lawsuit\*.

I am Plaintiff in the lawsuit, and I requested, in discovery, some of these documents relevant to the lawsuit. On December 10, 1986, the Court ordered the Defendant to produce these documents. However, Your Agency (the Defendant), based on a perjurous sworn statement, refused to produce them or let Plaintiff to examine them.

I request hereby that in accordance with the Freedom of Information Act, as amended, and with Part 9 of 10 CFR, documents described in the enclosure be made public immediately, and copy of documents be made available in the Public Document Room in 10 working days.

A fee, if necessary, will be paid by the Requester.  
The disclosure of documents will be greatly beneficial to the public.  
No commercial use is involved in disclosure.

Sincerely,

Enclosure:  
*Description of Requested Documents*

*Z. Reytblatt*  
Z. REYTLATT  
Dept. of Mathematics  
HT  
Chicago, IL 60616  
Tel.: (312) - 567-5343  
(312) - 567-3162

\* In fact, the Agency made several contradictory statements reversing itself.

## DESCRIPTION OF REQUESTED DOCUMENTS

1. The following documents are missing from your previous FOIA responses to FOIA Petitions related to fraudulent/deficient leak rate testing of Zion and LaSalle Plants in 1982-84. Please, be aware of a Court order barring from the destruction of these documents. If any of them have been destroyed or damaged, indicate the time of the action and the name(s) of the person(s) responsible.

- 1 Data from the LaSalle test of 1982;
- 2 Computer program used at the Zion tests of 1983 and 1984\*;
- 3 Correspondence between the NRC HQ and Region III (some of it has been made public, and some is still missing) regarding the above tests;
- 4 Correspondence between the Region III and Commonwealth Edison Co. regarding same tests (most of it is missing from your responses);
- 5 Reviews, calculations, correspondence related to Director's Decision on LaSalle-Zion citizens' emergency relief petitions of 1983, and, particularly, on Reytblatt's work<sup>1</sup>.

2. The following documents have never been requested before.

Correspondence between the Region III and Commonwealth Edison Co. regarding Reytblatt's work, including reviews done for ComEd and shared with the Region III (Messrs. Maura, Reyes, and others).

Materials related to the zero-pressure test of July, 1984, at Zion (Region III - F. Maura, Reyes; H. Denton, T. Rehm, E. Arndt, R. Bernero, Huang, Shapaker);

Missing pieces of correspondence between E. Arndt and the Oak Ridge Nat. Laboratory (1982-1985; documents available at the PDR of ORNL indicate existence of requested materials);

Correspondence between NRC and the American Nuclear Society concerning Reytblatt's work (E. Arndt, Region III, Bernero, etc.).

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\* These documents were in the possession of Region III.

<sup>1</sup> these documents are referred in the Director's Decision and are missing; they have been in the custody of Messrs. H. Denton, T. Novak, R. Bernero, T. Rehm, E. Arndt, and Region III employees Messrs. Maura and Reyes.